IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5235 OF 2005

Mr.Sudhir Y. Pandit ..Petitioner.

Vs.

State of Maharashtra & Ors. ..Respondents.

Mr.A.M.Joshi with Mr.S.D.Rayrikar for the Petitioner.

Mrs.S.S.Bhende, AGP for Respondent No.1.

Mr.A.K.Jalisatgi with Mr.A.B.Desai for Respondent Nos.2 to 4.

CORAM : F.I.REBELLO AND
DR. D.Y. CHANDRACHUD,JJ.
DATED : 12TH SEPTEMBER, 2005

P.C.:

Rule. Heard forthwith.

2. The application of the Petitioner for admission was not considered by the Respondents. The Petitioner's application was rejcted as he had not produced his certificate from the school showing that he was the bonafide student of that school.

3. On rejection of the application, the Petitioner moved this Court. On 10th August, 2005 an interim order was passed directing the Respondents to keep one seat vacant in the open category in Respondent No.4 college.

3. During the pendency of the Petition, the Petitioner filed Grievance alongwith bonafide certificate issued in his favour dated 26.7.2005 that he was a bonafide student of Sir Parashurambhau College, Pune. It is the contention of the Petitioner that since the requirement of bonafide certificate is purely a procedural requirement, his application ought not to be rejected and he should be given some time to comply with the said procedural requirement.

4. On the other hand, on behalf of the Respondents, a reply has been filed. The original is not on record. Nor the counsel for the parties have made available a copy of the reply filed by them.

5. It is the contention on behalf of the Respondents that like the Petitioner, applications of 10 other candidates similar to the case of the Petitioner, who have not produced the school leaving certificate/bonafide certificates were rejected and, as such, this Court should not interfere with the decision taken by the Respondents.

6. We have heard the learned counsel for the parties. In *Dolly Chhanda v. Chairman, JEE, 2004 AIR SCW, 5699* the Apex Court made a distinction

between essential requirements and matters pertaining to procedural requirement. While the Apex Court held that there should not be relaxation in so far as the production of requisite eligibility qualification documents, the same rigid test may not be applied in so far as the same pertains in the domain of procedure. In this course, the requirement of producing the bonafide certificate would be in the domain of procedure. Considering that the same could have been relaxed by the Respondents. The contention that there are other students whose applications are also rejected, can be of no assistance as no other student has approached this Court, atleast the same is not brought to our attention. Apart from that, two rounds are already over and only the final round remains.

7. We therefore direct the Respondents to entertain the application of the Petitioner, considering now that the bonafide certificate was produced before the Grievance Sorting Committee and to consider the Petitioner’s Application on its own merits alongwith the other candidates, who will be entitled to be considered in the third round.

8. Rule made absolute accordingly with no order as to costs.

Certified copy expedited.